

REMARKS

Claims 3-21 are pending and have been rejected. Claims 3-21 are presented for further prosecution. Favorable reconsideration of the application is requested in light of the remarks that follow.

Art-Based Rejections

Claims 3, 5-9, 11-16 and 18-21 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,481,184 (Junker) in view of The English Abstract of Japanese: 10-202801 ('801 abstract). Applicants respectfully traverse the rejection.

The present invention is generally directed to a display strip for arranging and displaying a plurality of product-enclosing bags (page 2, lines 28-32). As discussed in the specification, when a product-containing bag, attached to a conventional display strip with a heat seal layer, is removed from the strip, cohesion failure occurs on the surface of the bag. This results in the damage of the printed surface of the bag that makes the bag unattractive and may even lead to formation of holes in the bag that negatively affects product quality (page 2, lines 12-25).

In contrast, the display strip of the present invention has a sealant layer that contains an easy-peelable resin composition that allows detachment of bags from the display strip without damaging the surface of the bags (page 6, lines 16-28). As shown in Figure 2 and discussed on page 10, lines 19-35, when a bag bonded to the sealant layer of the present invention is peeled away, the breakage occurs substantially at the interface between sealant layer and the bag (Figure 2a) or inside the sealant layer (Figures 2b and 2c). This allows detachment of product-enclosing bag from the display strip without damaging the structure or appearance of the bag (page 11, lines 14-15).

In the instant invention, the easy-peelable resin composition of the sealant layer is made of at least two components: (1)an adhesive component, which contributes to the adhesion of display strip to a bag surface and (2) a component for cohesion failure, which makes the sealant layer more easily breakable than surface of the bag attached to the display strip (page 7, lines 1-7 and lines 30-35).

The specification describes sealant layers comprising a single layer or a plurality of layers (page 8, lines 22-23). Clearly, when a sealant layer comprises a single layer structure, both an adhesive and cohesion failure components of the easy-peelable resin composition are present in one layer (page 8, 22-33). When a sealant layer comprises a plurality of sub-layers, at least one sub-layer is an adhesive layer containing easy-peelable composition (page 8, line 34 – page 9, line 4). The adhesive layer may also include several adhesive sub-layers, each containing both an adhesive and cohesion failure components of the easy-peelable resin composition (page 9, lines 5-9). Therefore, in the present invention, the display strip has at least one layer comprising easy-peelable resin composition comprising both an adhesive and cohesion failure components.

Accordingly, all independent claims 3, 5, 11, 12, 14, and 15 require “a sealant layer that contains an easy-peelable resin composition comprising an adhesive component and a component for cohesion failure.” Additionally, all independent claims require the sealant layer to be broken when a bag bonded to the sealant layer is peeled away. Cited references do not make claims 3, 5, 11, 12, 14, and 15 obvious because neither reference teaches or suggests such sealant layer.

Although the Examiner acknowledged that Junker does not teach a sealant layer comprising an adhesive component and a component for cohesion failure, he cited Junker for teaching a display strip with a substrate layer and a sealant layer such that “[w]hen the surface of the bag is peeled from the sealant layer, the sealant

layer is broken (col. 2, lines 55-58." (pages 2-3 of the Office Action). Applicants respectfully disagree with such reading of Junker.

As an initial matter, Junker is not concerned with preventing damage to the bags during their peeling from a display strip, much less with providing a special sealant layer that ensures that the peeling takes place on or within sealant layer. Instead, the purpose of his invention is to provide a method for inexpensive automated packaging of bags and their attachment to the display strip (col. 2, ll.12-27). In discussing "[m]any possibilities exist[ing] for mounting the bags on the hanger strip," Junker mentions, in passing, that the strip may have a heat seal layer so that "the connection to the bag can occur through hot sealing" (col. 2, ll. 55-63). Junker also notes that when the strip is sealed or welded on the bags, bags can be peeled from the strip (col. 3, ll.24-27). However, as discussed above, when bags are peeled from conventional display strips with a heat seal layer, cohesion failure occurs on the surface of the bag, which leads to its damage. Thus, contrary to the Examiner's view, Junker's teaching of a display strip with a heat seal layer, without a further discussion of special properties of the seal layer, does not provide a teaching of the display strips of the present invention that require sealant layer (rather than the surface of the bag) to break, when the bag is peeled from the sealant layer.

With respect to the limitation "a sealant layer that contains an easy-peelable resin composition comprising an adhesive component and a component for cohesion failure," the Examiner relies on the '801 abstract. The Examiner's reliance on the '801 abstract is not correct.

This limitation, read in view of the specification as discussed above, requires that both an adhesive component and a component for cohesion failure are present in the same layer. In fact, the claim language "composition comprising," itself,

requires the recited components to be mixed with each other. The '801 abstract fails to teach a composition comprising an adhesive component and a component for cohesion failure contained within a single layer. As correctly noted by the Examiner, in the '801 abstract, polyethylene and polystyrene resin form two separate layers A and C. Moreover, the polyethylene layer A and polystyrene resin layer C are separated by a glue layer B, and thus cannot be viewed as a composition residing in a single layer. Therefore, the '801 patent fails to teach a sealant layer that contains an easy-peelable resin composition comprising an adhesive component and a component for cohesion failure.

The applicants further respectfully submit that even if Junker and the '801 abstract indeed had teachings of certain limitations of independent claims of the instant invention, which they clearly do not, it still would not have been obvious to combine the two references because there is no suggestion in the cited references of such a combination. As discussed above, Junker is not concerned with preventing damage to the bags during their peeling from a display strip and does not teach changing properties of a conventional sealant to prevent such damage. Junker does not teach that the sealant rather than the bag surface should be broken when the bag is peeled from the display strip. Thus, contrary to the Examiner's view, Junker does not "provide for peelability by breaking the seal."

The '801 abstract does not deal with display strips at all, much less with display strips which preserve appearance of attached bags after their removal from the strip. Instead, the '801 patent discusses a peelable sheet used to seal a container. Nothing in either reference suggests a desirability of combining the peelable sheet of the '801 abstract with the display strip of Junker. Thus, it is respectfully submitted that the ordinarily skilled artisan, working without the benefit of the applicant's specification, would have had no motivation to combine the

features of the cited references to arrive at the present invention as defined by claims 3, 5, 11, 12, 14, and 15. Therefore, claims 3, 5, 11, 12, 14, and 15 are patentable over Junker and the '801 abstract. Claims 6-9, 13, 16, and 18-21 depend from claims 3, 5, 11, 12, 14, and 15 and are patentable over Junker and the '801 abstract for at least the same reasons as claims 3, 5, 11, 12, 14, and 15.

Claims 4 and 10 were rejected under § 103(a) over Junker in view of U.S. Patent No. 5,145,737 (Boiron). Claim 17 was rejected under § 103(a) over Junker in view of the '801 abstract and U.S. Patent No. 6,960,635 (Stevens). This rejection is respectfully traversed.

Claims 4, 10, and 17 depend from claims 3, 5 and 15 and are patentable over Junker and the '801 abstract for at least the same reasons as claims 3, 5 and 15. Neither Boiron nor Stevens can remedy the defects of Junker and the '801 abstract and are not cited by the Examiner for such. The Examiner cites Boiron for discussing specific chemicals that may be used in adhesive layer and Stevens for discussing biaxially oriented polypropylene film. Therefore, claims 4, 10, and 17 are patentable over Junker and the '801 abstract in view of Boiron and Stevens.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 789-5153 to discuss the steps necessary for placing the application in condition for allowance.

Appl. No. 10/750,543
Amdt. Dated April 3, 2006
Reply to Office Action of January 3, 2006

Attorney Docket No. 89285.0004
Customer No.: 26021

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: April 3, 2006

By: _____



Olga Berson
Registration No. 55,001
Attorney for Applicant(s)

Biltmore Tower
500 South Grand Avenue
Suite 1900
Los Angeles, California 90071
Phone: (213) 337-6700
Fax: (213) 337-6701